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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,244	10/17/2001	Michael H. D'Amico	13253US01	7628

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EXAMINER

BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/982,244

Applicant(s)

D'AMICO ET AL. *CD*

Examiner

Julie K Brockett

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 24-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 24 and 41 state "displaying messages visible from the first gaming location interactively." The claim does not describe how the displays are interactive or what exactly displaying a message "interactively" involves. Consequently the claims are indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-8, 18-31 and 41-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Dubno et al., U.S. Patent No. 4,722,053. Dubno et al. discloses a food service ordering terminal with video game capability. The gaming system comprises a service station and a first gaming location. An apparatus enables communication between the service station and the first gaming location. An interactive first communication unit is operable from the first gaming location. It includes a first display visible from the first gaming location operable to display a first message. An interactive second communication unit is operable from the service station and includes a second display visible from the service station operable to display a second message. A network is arranged to transmit data so that messages are displayed on the first and second displays (Figs. 1 & 3; col. 2 lines 5-20). The first and second display can comprise touch screen displays, which involves touching the display (col. 4 lines 43-47). The first gaming location comprises a gaming machine and the first display is coupled to the gaming machine (col. 2 lines 10-13). The apparatus can contain a keypad operable from the gaming locations wherein the second display displays a message comprising data entered by the keypad (col. 3 lines 46-52). The first and second communication units display images on their respective display, which is then suitable for entry of at least one of numeric data and alphabetic data by touching the respective display.

Moreover, the first display can display a message depending on a preference of a player at the first gaming location thus it is displaying the message interactively. For example, it can display a bill total, or a message informing the customer that the kitchen is out of a particular item (col. 2 lines 61-67; col. 4 lines 40-47). Consequently, the message generated at the service station comprises a reply to a message generated at the first gaming location, i.e. the customer's order. Replies can be transmitted back and forth between both stations.

Claims 49-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedrick et al., U.S. Patent No. 6,135,884. Hedrick discloses a gaming system including a gaming machine, and a game display, which displays graphic images, unrelated to the operation of the gaming machine. The system includes memory for storing image data, a graphics display arranged to display graphic images and a graphics display controller arranged to generate the graphics images on the display in response to the image data. The display can comprise a liquid crystal display. The display can be a touch screen display. A processing unit is used for controlling the transmission of the image data to the controller. The image data comprises vector data and bit-mapped data. The graphic images comprise text and non-text images (See Hedrick Figs. 5, 6, 8; col. 4 lines 1-12).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubno et al. in view of Hedrick et al., U.S. Patent No. 6,135,884. Dubno et al. lacks in disclosing a menu of reservation services and personal messages. Hedrick teaches of a gaming machine having a secondary display. The secondary display is used to display a menu of reservation services available or a menu of personal message services available. The display at the gaming machine can display a message sent to it from the service station (See Hedrick col. 15 lines 55-67; col. 16 lines 1-5). It would have been obvious at the time the invention was made to include these menu options into the invention of Dubno et al. These options allow individuals to accesses messages and other services while they are playing a game so as not to have to move in order to order these services. By including these services into the gaming machine itself, the game machine can retain a person's attention longer and they will more likely spend more money at the establishment.

Claims 9-11 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubno et al. in view of Walker et al., U.S. Patent No.

6,110,041. Dubno et al. lacks in disclosing a card reader. Walker et al. discloses a gaming device in which the system comprises a central authority and a card reader, the card reader is operable from a first gaming location and arranged to read a code from the card entered by the player at the gaming location. The player's preference is stored in the central authority and the player's preference is accessed in response to the code (See Walker col. 3 lines 30-54). Consequently, the display is varied based on the preference of a player at the gaming location. When a player enters the card into the gaming machine they are tracked thus authorizing the casino to be located. It is obvious that the central authority could have a second display arranged to display an identification of the location of the player in response to the code on the player's card. It is also obvious that the identification could contain a map of the location of the player. By being able to track players by their card and arrange gaming preferences for them, the players are happier and will continue to play more. It would have been obvious at the time the invention was made to insert a card tracking system into the invention of Dubno et al. By player's using cards, they do not have to carry money with them and the service center can readily know the player's preferences so as to cater to them in the manner they enjoy.

Claims 12 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubno et al. in view of Franchi, U.S. Patent No. 5,770,533. Dubno et al. lacks in disclosing displaying a menu of personal services

available. Franchi teaches of a casino operating system in which slot machine include menus for food and other services (See Franchi Fig. 13; col. 8 lines 20-44). It would have been obvious at the time the invention was made to include a menu of personal services available in the invention of Dubno et al. A customer can then order other services and enjoy their time at the restaurant more fully.

Claims 16, 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dubno et al. in view of Falciglia, U.S. Patent No. 5,971,849. Dubno et al. lacks in disclosing a second gaming location in communication with the first. Falciglia teaches of a gaming machine, which is in connection to a central authority and a second gaming location comprising a third display. A player may communicate with another gaming machine through the central authority. The central authority is arranged to transmit data resulting in display of a message on the third display and wherein the first display displays a message received from the second gaming location. The message on the third display comprises a message received from the first gaming location (See Falciglia Figs. 2, 4, 7; col. 9 lines 9-19).

### ***Citations of Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Camaisa et al., U.S. Patent No. 5,845,263.

--Camaisa et al. discloses a visual ordering system in which pictures are used for customers to select the menu items they wish to order.

2. Rapoport et al., U.S. Patent No. 5,262,938.

--Rapoport et al. discloses a food services routing system in which a map of the dining area is displayed when the service center enters a food order.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.



JB

November 26, 2002



**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**